

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3:19cr130
)	
OKELLO T. CHATRIE,)	
Defendant)	

**DEFENDANT’S RESPONSE TO ECF NO. 191 REGARDING
COVID-19 PROTOCOL AND PROCEDURES FOR MARCH 4 HEARING**

COMES NOW the defendant, Okello Chatrie, by counsel, and states the following in response to this Court’s order entered February 26, 2021, generating ECF No. 191.

The relevant CDC protocols neither call for another COVID-19 test of Mr. Chatrie, nor turn on whether Mr. Chatrie were to still test positive before the hearing on March 4 to 5. As noted on February 26, the latest CDC guideline specifically advises that the chronology of Mr. Chatrie’s symptoms mean that he “can be around others” even earlier than the hearing scheduled for March 4 to 5, because it will by then have been much more than 10 days since his first symptoms, and much more than 24 hours since any fever. *See* Doc. 188 at 1-2, quoting CDC guideline found at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html>

That guideline is not dependent on testing. Indeed, in its summary of data-driven recommendations for duration of isolation, updated as of February 13, 2021, the CDC notes:

Accumulating evidence supports ending isolation and precautions for adults with laboratory-confirmed COVID-19 using *a symptom-based strategy*. This update incorporates recent evidence to inform the duration of isolation and precautions recommended to prevent transmission of SARS-CoV-2 to others, while *limiting unnecessary prolonged isolation and unnecessary use of laboratory testing resources*.

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html> (visited today)

(emphasis added); *see also id.* Item 3 of Summary of Key Findings (“In a large contact tracing

study, no contacts at high risk of exposure developed infection if their exposure to a case patient started 6 days or more after the case patient's infection onset.”).

Thus, the result of testing a person long past being symptomatic is not relevant to whether he can be around others who are not infected. Per the CDC, testing again Mr. Chatrie (or, indeed, any defendant on materially identical facts), is therefore an unnecessary use of laboratory testing resources. This appears to be consistent with the just filed positions of the United States and Google.

As previously noted, defense counsel will provide Mr. Chatrie with KN95 masks to wear during the hearing. All those in the courtroom will also be bound by the mask and social distancing practices required of courthouse occupants.

Respectfully submitted,

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